

# FEDERAL COMMUNICATIONS COMMISSION

CLASS OF STATION FM

LCJ

*[Handwritten signature]*

The following application is submitted for action by the Chief, Broadcast Bureau.

ST	FILE NUMBER	CALL	APPLICANT AND LOCATION	NATURE OF APPLICATION
NC	BPH -920326MB N/M	NEW 92.7MHZ	JAMES E. MARTIN, JR. HARRISBURG NC	CP FOR NEW FM STATION ON: 92.7 MHZ., ERP: 5.3 KW (H&V), HAAT: 106 METERS (H&V) 35 16 20 80 45 54

LICENSE EXPIRATION DATE \_\_\_\_\_

*PN: 4/10/92*

*for Lois C. Jones*  
\_\_\_\_\_  
CHIEF, LICENSE DIVISION

RECOMMENDATION: GRANT( ) CONSTRUCTION DATES, START \_\_\_\_\_ END \_\_\_\_\_

CONTESTED ( ) UNCONTESTED ( )

+

*TDN 92  
10 13*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
FOR CHIEF, BROADCAST BUREAU

F.C.C.-WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION  
**FEE PROCESSING FORM**

FOR  
FCC  
USE  
ONLY

RECEIVED MAR 26 1992

03-30-92 8195152 003

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

**SECTION I**

APPLICANT NAME (Last, first, middle initial)

Martin, James E.

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)

c/o Smithwick & Belendiuk, P.C.

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)

2033 M Street, N.W., Suite 207

CITY

Washington

STATE OR COUNTRY (If foreign address)

DC

ZIP CODE

20036

CALL SIGN

OTHER FCC IDENTIFIER

Harrisburg, NC

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)	(B)	(C)								
FEE TYPE CODE	FEE MULTIPLE (If required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY							
(1) <table border="1"><tr><td>M</td><td>T</td><td>R</td></tr></table>	M	T	R	<table border="1"><tr><td></td><td></td><td></td><td>1</td></tr></table>				1	\$ 2,030.00	
M	T	R								
			1							

**SECTION II**

— To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)									
FEE TYPE CODE	FEE MULTIPLE (If required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY								
(2) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					\$ <table border="1"><tr><td></td></tr></table>		
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(5) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					\$ <table border="1"><tr><td></td></tr></table>		

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING
\$ 2,030.00

FOR FCC USE ONLY
2030 <sup>00</sup>

ORIGINAL

LAW OFFICES

SMITHWICK & BELENDIUK, P.C.

2033 M STREET, N.W.

SUITE 207

WASHINGTON, D.C. 20036

TELECOPIER

(202) 785-2804

TELEPHONE

(202) 785-2800

March 26, 1992

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: James E. Martin, Jr.  
Harrisburg, North Carolina  
Channel 224A

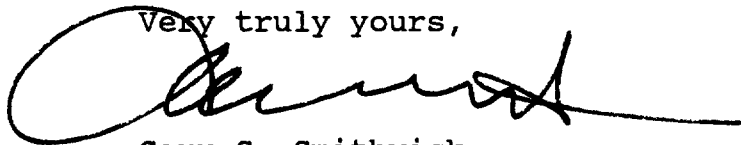
Dear Ms. Searcy:

Transmitted herewith, on behalf of James E. Martin, Jr. are an original and two copies of FCC Form 301, application for construction permit for a new FM station on Channel 224A at Harrisburg, North Carolina.

Also enclosed is a check in the amount of \$2,030.00 in payment of the filing fee (Fee Code: MTR).

If there are any questions with respect to this matter, please communicate with the undersigned.

Very truly yours,



Gary S. Smithwick  
Counsel for  
JAMES E. MARTIN, JR.

Enc.  
GSS/lmv.A0326

cc: Harrisburg Public File  
Mr. James E. Martin, Jr.

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only	FEE NO:	For APPLICANT Fee Use Only
	FEE TYPE:	Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	FEE AMT:	If fee exempt (see 47 C.F.R. Section 1.1112), indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	ID SEQ:	FOR COMMISSION USE ONLY FILE NO. <i>BPH-920326m</i>

Section I - GENERAL INFORMATION

*code: 4/10/92*

1. Name of Applicant  James E. Martin, Jr.			Send notices and communications to the following person at the address below: Name Gary S. Smithwick Smithwick & Belendiuk, P.C.		
Street Address or P.O. Box 4250 Lakeside Drive, Suite 210			Street Address or P.O. Box 2033 M Street, N.W., Suite 207		
City Jacksonville	State FL	ZIP Code 32210	City Washington	State DC	ZIP Code 20036
Telephone No. (include Area Code) (904) 384-1000			Telephone No. (include Area Code) (202) 785-2800		

2. This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 224A	(b) Principal Community Harrisburg	City Harrisburg	State NC
--------------------------------------	---------------------------------------	--------------------	-------------

(c) Check one of the following boxes:

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: \_\_\_\_\_

☐ MINOR change in licensed facilities; call sign: \_\_\_\_\_

☐ MAJOR modification of construction permit; call sign: \_\_\_\_\_

File No. of construction permit: \_\_\_\_\_

☐ MINOR modification of construction permit; call sign: \_\_\_\_\_

File No. of construction permit: \_\_\_\_\_

☐ AMENDMENT to pending application; Application file number: \_\_\_\_\_

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

8. Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	State
BPH	92.7 MHz	
HARRISBURG		
JAMES E. MARTIN, JR.		

**Section II - LEGAL QUALIFICATIONS**

Name of Applicant

James E. Martin, Jr.

1. Applicant is: (check one box below)

- ☒ Individual      ☐ General partnership      ☐ For-profit corporation  
☐ Other      ☐ Limited partnership      ☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No. N/A
--------------------

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date N/A Place N/A

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No. N/A
--------------------

5. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
---

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
---

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
---

# Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interests.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.
8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 73.501, including the nature and size of such interests and the positions held.

1	James E. Martin, Jr. 4635 Ortega Blvd. Jacksonville, FL 32210		
2	U.S.A.		
3	Individual Proprietor		
4	N/A		
5	N/A		
6	N/A		
7	See Exhibit 1		
8	See Exhibit 1		

Section 11 - LEGAL QUALIFICATIONS (Page 3)

7. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☒ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☒ Yes ☐ No

(c) a broadcast application which has been denied by the Commission?

☒ Yes ☐ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.  
1

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

8. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☒ Yes ☐ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
2

9. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.  
3

OTHER MASS MEDIA INTERESTS

10. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction 8 to Section 11.)

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
N/A

Section 11 - LEGAL QUALIFICATIONS (Page 4)

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

11. (a) Is the applicant in violation of the provisions of Section 810 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction C to Section 11.)

☐ Yes ☒ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.  
N/A

12. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.  
N/A

### SECTION III - FINANCIAL QUALIFICATIONS

NOTE If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

☒ Yes ☐ No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue.

\$ 400,346.73

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
James E. Martin, Jr. 4635 Ortega Blvd. Jacksonville, FL 32210	(904) 384-1000	Applicant	in excess of \$500,000.00 cash

#### Section IV-A - PROGRAM SERVICE STATEMENT

Attach as an Exhibit a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.  
4

#### Section IV-B - INTEGRATION STATEMENT

Attach as an Exhibit the information required in 1 and 2 below.

Exhibit No.  
5

1 List each principal of the applicant who, in the event of a grant of the application on a comparative basis proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.

2 State with respect to each principal identified in response to Item 1 above, whether the applicant will claim qualitative credit for any of the following enhancement factors:

(a) Minority Status

(b) Past Local Residence

If Yes, specify whether in the community of license or service area and the corresponding dates.

(c) Female Status

(d) Broadcast Experience

If Yes, list each employer and position and corresponding dates.

(e) Daytime Preference

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

☐ Yes ☒ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 698-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580?

☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No

If No, attach as an Exhibit, a full explanation.

Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted

Cliff Link

Telephone No. (include area code)

(704) 336-2068

Person contacted: (check one box below)

☐ Owner

☒ Owner's Agent

☐ Other (specify)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 308 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.


The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

SECTION VII - CERTIFICATION (Page 5)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant James E. Martin, Jr.	Signature 
Date 3/25/92	Title Individual

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT  
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 301 hours 30 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (8060-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

EXHIBIT 1  
OTHER BROADCAST INTERESTS AND APPLICATIONS

JAMES E. MARTIN, JR.

INTERESTS

President, Director, 66 2/3% stockholder, InterMart Broadcasting Georgia Coast, Inc., licensee of WGCO(FM), Midway, Georgia.

APPLICATIONS

President, Treasurer, Director, 100% stockholder, Emision de Radio Balmaseda, Inc, applicant for a new FM station at Ponte Vedra Beach, Florida (BPH-870505MA). Designated for hearing August 9, 1989 (MM Docket 89-350).<sup>1</sup>

President, Treasurer, Director, 100% stockholder, Intermart Broadcasting Gulf Coast, Inc., applicant for a new FM station at Punta Rassa, Florida (File No. BPH-880224MN). Designated for hearing March 21, 1990 (MM Docket No. 90-106).<sup>2</sup>

President, Treasurer, Director, 50% stockholder, Intermart Broadcasting of Palm Beach, Inc., applicant for a new FM station at Jupiter, Florida (BPH-890914MG), designated for hearing May 21, 1991 (MM Docket No. 91-85).

NON-COGNIZABLE INTERESTS  
REPORTED AS A PRECAUTIONARY MATTER

50%, non-voting stockholder in Ormond Broadcasting, Inc., applicant for construction permit for a new FM station at Ormond-by-the-Sea, Florida (File No. BPH-880915MI), designated for hearing June 12, 1990 (MM Docket No. 90-277).

APPLICATIONS DISMISSED AND RETURNED, OR DENIED AND NO LONGER SUBJECT TO APPEAL OR RECONSIDERATION

JAMES E. MARTIN, JR.

General Partner, 33 1/3% interest, in BMS Communications of Upper Arlington, former applicant for a new FM station at Upper Arlington, Ohio (BPH-860507PD). Dismissed pursuant to settlement agreement.

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<sup>1</sup> Denied on comparative grounds by Initial Decision, FCC 91D-47, released September 6, 1991. Exceptions filed with Review Board.

<sup>2</sup> Denied on comparative grounds by Initial Decision, FCC 92D-1, released January 10, 1992.

Chief Executive Officer, chairman, Director, stockholder, Radio InterMart Corporation, former applicant for a construction permit for a new FM station at Irmo, South Carolina (File No. BPH-850524BA). Dismissed pursuant to Settlement Agreement. Former applicant for a new FM station at North Charleston, South Carolina (BPH-820929BB). Dismissed without consideration.

President, Treasurer, Director, 79% stockholder, Jemco Communications, Inc., former applicant for a new FM station at Micanopy, Florida (BPH-8301214AV), dismissed as a result of settlement agreement.

General Partner, 33 1/3% interest in BMS Communications of the Caribbean, former applicant for a new FM station at Cruz Bay, Virgin Islands (BPH-870629MW). Returned as unacceptable for filing January 20, 1988.

President, Treasurer, Director, 100% stockholder, InterMart Broadcasting Golden Isles, Inc., former applicant for a new FM station at Darien, Georgia (BPH-871223MP). Dismissed January 25, 1990. No consideration.

President, Treasurer, Director, 100% stockholder, InterMart Broadcasting, Inc., former applicant for a new FM station at Gifford, Florida (BPH-880310NW). Dismissed November 8, 1989. No consideration.

General Partner, 50% interest in MBM Broadcasting Company, former applicant for a new FM station at Macon, Georgia (BPH-880421MX). Dismissed August 24, 1990. No Consideration.

Non-voting shareholder, SBM Communications, Inc., former applicant for a new FM station at Pueblo, Colorado (BPH-880824MS). Dismissal requested October 9, 1990. No Consideration.

Non-voting shareholder, Mystic Radio Corporation, former applicant for a new FM station at Lenoir, North Carolina (BPH-890616MQ). Dismissed December 17, 1990. No Consideration.

President, Treasurer, Director, 100% stockholder, InterMart Broadcasting Louisville, Inc., former applicant for a new FM station at Louisville, Kentucky (BPH-880126OD). Dismissed pursuant to Settlement Agreement, December 26, 1990.

President, Treasurer, Director, 100% stockholder, InterMart Broadcasting of West Florida, Inc., former applicant for a new FM station at Niceville, Florida (BPH-880324ND). Dismissed voluntarily pursuant to Motion, Order, FCC 91M-776, released February 28, 1991.

President, Treasurer, Director, 100% stockholder, InterMart Broadcasting (Holly Hill), Inc., former applicant for a new FM station at Holly Hill, Florida, (BPH-880505NI). Dismissed voluntarily, pursuant to Motion, Order, FCC 91M-859, released March 6, 1991.

Non-voting shareholder, SBM Communications, Inc. former applicant for new FM station at Indianapolis, Indiana (BPH-880728NR). Dismissed pursuant to Settlement Agreement, Memorandum Opinion and Order, FCC 91M-1485, released April 29, 1991.

Non-voting shareholder, 50% equity, Mystic Radio Corporation, former applicant for a construction permit for new FM station at White City, Florida (BPH-890914MH). Dismissed voluntarily, Order, FCC 91M-1784, released June 3, 1991.

Non-voting shareholder, 50% equity, Lenox Broadcasting Corporation, former applicant for a construction permit for a new FM station at Haltom City, Texas (BPH-890921MY). Dismissed voluntarily, Order, FCC 91M-1796, released June 4, 1991.

Non-voting shareholder, 33 1/3% equity, SBM Communications, Inc., former applicant for construction permit for a new FM station at Homewood, Alabama (BPH-880816MM). Dismissed voluntarily, Order, FCC 91M-2617, released August 22, 1991.

**EXHIBIT 2**

Although the applicant is unsure as to whether this situation qualifies as a "connection," out of an abundance of caution, it is reported that the applicant's adult daughter, Michelle Martin, is employed as a programming assistant by Susquehanna Broadcasting Co. Group, licensee of KFOG(FM), San Francisco, California.

EXHIBIT 3

None

#### EXHIBIT 4

##### PROPOSED PROGRAMMING

Applicant proposes to serve Harrisburg, North Carolina, and its surrounding areas through programming designed to meet the needs of the area.

Applicant intends to present news and other programming which would be responsive to the concerns of its audience. In this regard, Applicant will take such steps as are necessary to familiarize itself with the issues confronting its proposed service area.

To address community issues, Applicant contemplates the broadcast, on a regular basis, of both long-form and short-form programs.

**EXHIBIT 5**

**INTEGRATION STATEMENT**

Applicant does not, at this time, propose to be employed on a full-time basis at the station. He intends to hire a full-time professional manager. Applicant believes his experience in constructing and operating "start-up" FM stations should be an important factor in the Commission's comparative evaluation of this application, rather than the integration and diversification criteria as set out in the FCC's 1965 Policy Statement on Comparative Broadcast Hearings.

The applicant has obtained construction permits, constructed and operated new FM stations at St. Augustine, Homestead,<sup>1</sup> Orlando<sup>1</sup>, and Holmes Beach,<sup>1</sup> Florida; Andrews, South Carolina; and Las Vegas, Nevada.

---

<sup>1</sup> Applicant held less than 100 percent of these stations.

<b>Section V-B - FM BROADCAST ENGINEERING DATA</b>	<b>FOR COMMISSION USE ONLY</b> File No. _____ ASB Referral Date _____ Referred by _____
--	--

Name of Applicant

James E. Martin, Jr.

Call letters (if issued)  <div style="text-align: center;">New FM</div>	Is this application being filed in response to a window? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, specify closing date: <u>March 26, 1992</u>
---	--

Purpose of Application: (check appropriate boxes)

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Construct a new (main) facility            | <input type="checkbox"/> Construct a new auxiliary facility                         |
| <input type="checkbox"/> Modify existing construction permit for main facility | <input type="checkbox"/> Modify existing construction permit for auxiliary facility |
| <input type="checkbox"/> Modify licensed main facility                         | <input type="checkbox"/> Modify licensed auxiliary facility                         |

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

- |   |  |
|---|--|
| <input type="checkbox"/> Antenna supporting-structure height  | <input type="checkbox"/> Effective radiated power  |
| <input type="checkbox"/> Antenna height above average terrain | <input type="checkbox"/> Frequency                 |
| <input type="checkbox"/> Antenna location                     | <input type="checkbox"/> Class                     |
| <input type="checkbox"/> Main Studio location                 | <input type="checkbox"/> Other (Summarize briefly) |

File Number(s) \_\_\_\_\_

1. Allocation:

Channel No.	Principal community to be served:			Class (check only one box below)
	City	County	State	
224	Harrisburg	Cabarrus	NC	<input checked="" type="checkbox"/> A <input type="checkbox"/> B1 <input type="checkbox"/> B <input type="checkbox"/> C3 <input type="checkbox"/> C2 <input type="checkbox"/> C1 <input type="checkbox"/> C

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

232 Heathway Drive, Charlotte, Mecklenburg County, NC

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	°	'	"	Longitude	°	'	"
35		16	20	80		45	54

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☒ No

If Yes, give call letter(s) or file number(s) or both. \_\_\_\_\_

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any. \_\_\_\_\_

## SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	°	'	"	Longitude	°	'	"
----------	---	---	---	-----------	---	---	---

5. Has the FAA been notified of the proposed construction?

☐ Yes ☒ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Existing structure. No change of height is proposed.

Date \_\_\_\_\_ Office where filed \_\_\_\_\_

Exhibit No.  
N/A

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	Delta (Pvt)	7.9	145°
(b)			

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level; 242 meters(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 149 meters(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] 391 meters

(b) Height of radiation center: (to the nearest meter) H - Horizontal; V - Vertical

(1) above ground 73 meters (H)73 meters (V)(2) above mean sea level [(aX1) + (bX1)] 315 meters (H)315 meters (V)(3) above average terrain 106 meters (H)106 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.  
1

9. Effective Radiated Power:

Equivalent to 6 KW at 100 M HAAT

(a) ERP in the horizontal plane

5.3 kw (H=) 5.3 kw (V=)

(b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.  
N/A                     kw (H=)                      kw (V=)

=Polarization

10. Is a directional antenna proposed?

☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field.

Exhibit No.  
N/A

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.16 mV/m service.

Exhibit No.  
N/A

12. Will the main studio be within the protected 3.16 mV/m field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.  
N/A

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☒ Yes ☐ No

See Exhibit #2

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply?

☐ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.  
N/A

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.  
N/A

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.  
N/A

- (1) Protected and interfering contours, in all directions (360 ), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibits(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast *(except citizens band or amateur)* radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. *(See 47 C.F.R. Sections 73.315(b), 73.316(a) and 73.318.)*

Exhibit No.  
3A-3B

15. Attach as an Exhibit a 75 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V. The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.  
4

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.  
5

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 3.16 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 259 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 2489.8 sq. km.

Population 642,161

1990 Census from PL 94-171  
Files

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.  
N/A

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly Interpolated 30-second database

☐ 75 minute topographic map

(Source: NGDC)

☐ Other *(briefly summarize)*

## SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 5)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances	
		To the 316 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
" 61.5°	132.6	18.2	31.1
0	106.9	16.2	28.4
45	131.9	18.2	31.1
90	120.7	17.4	29.9
135	101.8	15.8	27.7
180	103.8	15.9	28.0
225	99.8	15.6	27.5
270	95.1	15.2	26.9
315	86.9	14.4	25.7

\*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

## 20. Environmental Statement/See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact? ☐ Yes ☒ No

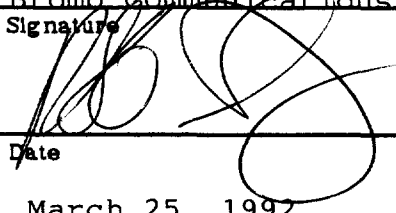
If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

Exhibit No.

If No, explain briefly why not. Categorically excluded under the provisions of Section 1.1306 of the Commission's Rules. See Exhibit #6 for Radiofrequency Radiation compliance.

## CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) Richard S. Graham, Jr. Bromo Communications, Inc.	Relationship to Applicant (e.g., Consulting Engineer) Technical Consultant
Signature 	Address (Include ZIP Code) P. O. Box M St. Simons Island, GA 31522
Date March 25, 1992	Telephone No. (Include Area Code) (912) 638-5608

NEW FM APPLICATION  
JAMES E. MARTIN, JR.  
CH 224A - 5.3 KW ERP  
106 M HAAT  
HARRISBURG, NORTH CAROLINA  
March 1992

Technical Exhibit  
TE-1

Bromo Communications, Inc.  
P.O. Box M - 1331 Ocean Boulevard, Suite 201  
St. Simons Island, Georgia 31522  
(912) 638-5608

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OVERALL  
STRUCTURE  
149.05 m  
( 489.0 ft)  
AGL  
391.06 m  
(1283.0 ft)  
AMSL

148.13 m  
( 486.0 ft)  
AGL

There are numerous communications antennas located on the tower at various heights and powers. Although no interference to existing service is expected James E. Martin, Jr. will use good engineering practice to eliminate any unexpected interference to the Commission's satisfaction. Due to the number of services located on the tower individual call signs are not listed here but will be supplied if requested.

NEW FM Antenna  
← Center of Radiation  
73.15 m ( 240.0 ft) AGL  
315.16 m (1034.0 ft) AMSL  
105.80 m ( 347.1 ft) HAAT

North Latitude 35-18-20  
West Longitude 80-45-54

Site Elev 242.01 m ( 794.0 ft) AMSL  
Terrain Avg 209.36 m ( 686.9 ft) AMSL

(Sketch not drawn to scale)

#### TOWER VERTICAL PLAN SKETCH

SITE ELEVATION - 242 m ( 794 ft) AMSL  
TOP OF STRUCTURE - 149 m ( 489 ft) AGL  
391 m (1283 ft) AMSL  
FM Antenna COR - 73 m ( 240 ft) AGL  
315 m (1034 ft) AMSL  
106 m ( 347 ft) HAAT

FIGURES ROUNDED TO NEAREST METER (FOOT).

#### EXHIBIT #1

NEW FM APPLICATION  
JAMES E. MARTIN, JR.  
224 A - 5.3 KW ERP  
106 M HAAT  
HARRISBURG, NORTH CAROLINA  
MARCH 1992

**BROMO**  
**COMMUNICATIONS**  
BROADCAST  
TECHNICAL CONSULTANTS  
St Simons Island, Georgia  
Washington, D. C.